IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Applicant(s): KUUSINEN et al.
FILING DATE: Herewith   ART UNIT:
TITLE: DETERMINATION OF BIT RATE
ATTORNEY DOCKET NO.: 836-010815-US(PAR)

Commissioner of Patents
Washington, D.C. 20231

PRELIMINARY AMENDMENT

Dear Sir:

Please amend the above-identified, enclosed patent application as follows:

IN THE CLAIMS

Please amend Claims 12, 15, and 21 as rewritten below:

12. (Amended) A method according to claim 10, **characterized** in that the bit rate during a first period of time in a logical channel identified by a logical channel identifier is determined on the basis of parameters TBS and TTI, wherein the value of the parameter TBS determines the amount of data that can be transmitted during a period of time defined by parameter TTI.

15. (Amended) A method according to claim 12, **characterized** in that said second information, on the

basis of which the bit rate is determined, is taken from said protocol layer only once during said first period of time.

21. (Amended) A method according to claim 19, **characterized** in that said average is maintained and updated in a memory available for use by the first communication device.

REMARKS

In accordance with 37 C.F.R. §1.121 (as amended on 11/7/2000) the rewritten claim(s) above are shown on separate page(s) marked up to show all the changes relative to the previous version of that section.

Claim 12 originally depended from claims 10 and 11. The change to claim 12 is to remove the multiple dependency to claim 11. Claim 12 remains dependent on the main base claim 10 from which claim 11 also depends. Thus, the amendment does not limit or narrow claim 12 and is not being made for any reason related to the statutory requirements for a patent.

Claim 15 originally depended from claims 12 and 14. The change to claim 15 is to remove the multiple dependency to claim 14. The amendment does not limit or narrow claim 15 and is not being made for any reason related to the statutory requirements for a patent.

Claim 21 originally depended from claims 19 and 20. The change to claim 21 is to remove the multiple dependency to claim 20. Claim 21 remains dependent on the main base claim 19 from which claim 20 also depends. Thus, the amendment does not limit or narrow claim 21 and is not being made for any reason related to the statutory requirements for a patent.

The Commissioner is hereby authorized to charge payment for any additional fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,
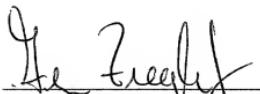
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Application entitled: DETERMINATION OF BIT RATE

MARKED UP CLAIM(S)

12. (Amended) A method according to ~~claims 10 and 11~~claim 10, **characterized** in that the bit rate during a first period of time in a logical channel identified by a logical channel identifier is determined on the basis of parameters TBS and TTI, wherein the value of the parameter TBS determines the amount of data that can be transmitted during a period of time defined by parameter TTI.

15. (Amended) A method according to ~~claims 12 and 14~~claim 12, **characterized** in that said second information, on the basis of which the bit rate is determined, is taken from said protocol layer only once during said first period of time.

21. (Amended) A method according to ~~claim 19 or 20~~claim 19, **characterized** in that said average is maintained and updated in a memory available for use by the first communication device.